



ATTORNEY DOCKET NO.: 2003080-0138 (SK-744-CON8)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.* Examiner:
Serial No.: 10/695,582 Art Unit:
Filing Date: October 28, 2003
Title: Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereo

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Form PTO-1449 (2 pages);
2. Supplemental Information Disclosure Statement (6 pages);
3. Cited Art (42); and
4. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.
Registration No. 46,533

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000

Dated: March 24, 2004

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P.O. Box 1450, Alexandria, VA 22313

on

3-24-04



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STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☐ An *original* Information Disclosure Statement; or
☒ A *supplemental* Information Disclosure Statement.

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

3-24-04 *Sandra Saccocia*
Date Signature

Sandra Saccocia

Typed or Printed Name of person signing certificate

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
 - ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

☐ Includes herewith the fee set forth in § 1.17(p).

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Does contain non-English language citations, for which an English language abstract is submitted.

[] Does contain non-English language citations which were cited on an International Search Report (a copy of which is enclosed herewith).

[] Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .


The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,


C. Hunter Baker, M.D., Ph.D.
Reg. No. 46,533

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Boston, Massachusetts 02109
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Dated: 3/24/04

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FORM PTO-1449

(REV. 8-83)

U.S. Department of Commerce

Patent and Trademark Office

ATTY. DOCKET:

2003080-0138

(SK-744-CON8)

IN RE

APPLICATION NO.:

10/695,582

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

APPLICANT: Danishefsky *et al*

FILING DATE:

October 28, 2003

GROUP:

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	6,683,100	Van Hoogevest	January 27, 2004	514	365
	6,670,384	Bandyopadhyay <i>et al.</i>	December 30, 2003	514	365
	6,664,288	Pardee <i>et al.</i>	December 16, 2003	514	449
	6,624,310	Hoefle <i>et al.</i>	September 23, 2003	548	204
	6,613,912	Hoefle <i>et al.</i>	September 2, 2003	548	204

U.S. PATENT APPLICATIONS

Examiner's Initials:	Publication Number:	Applicant:	Publication Date:	Group:	Art Unit:
	2004/0019089	Danishefsky <i>et al.</i>	January 29, 2004		
	2004/0019088	Lichtner <i>et al.</i>	January 29, 2004		
	2004/0018598	Santi <i>et al.</i>	January 29, 2004		
	2004/0014982	Hoefle <i>et al.</i>	January 22, 2004		
	2004/0014978	Klar <i>et al.</i>	January 22, 2004		
	2004/0006087	Cutler <i>et al.</i>	January 8, 2004		
	2003/0235855	Cabral	December 25, 2003		
	2003/00232837	Guzi <i>et al.</i>	December 18, 2003		
	2003/0232416	Wong <i>et al.</i>	December 18, 2003		
	2003/0232968	Li <i>et al.</i>	December 18, 2003		
	2003/0191089	Regueiro-Ren <i>et al.</i>	October 9, 2003		
	2003/0187273	White <i>et al.</i>	October 2, 2003		
	2003/0187039	Favreau <i>et al.</i>	October 2, 2003		
	2003/0186983	Mastalerz <i>et al.</i>	October 2, 2003		
	2003/0186965	Vite <i>et al.</i>	October 2, 2003		
	2003/0185831	Cutler <i>et al.</i>	October 2, 2003		
	2003/0180760	Basch <i>et al.</i>	September 25, 2003		
	2003/0176710	Klar <i>et al.</i>	September 18, 2003		
	2003/0176473	Taylor <i>et al.</i>	September 18, 2003		
	2003/0176368	Danishefsky	September 18, 2003		
	2003/0176320	Li <i>et al.</i>	September 18, 2003		

FORM PTO-1449 (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		ATTY. DOCKET: 2003080-0138 (SK-744-CON8)		IN RE APPLICATION NO.: 10/695,582	
INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>				APPLICANT: Danishefsky <i>et al</i>			
				FILING DATE: October 28, 2003		GROUP:	
		2003/0166507	Li et al.	September 4, 2003			
FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Document No.	Country	Date	Translation			
				Yes	No		
	EP 1 087 975	Europe	27 August 2003				
	EP 1 042 327	Europe	17 September 2003				
	EP 1 140 944	Europe	27 August 2003				
	EP 1 340 498	Europe	03 September 2003				
	EP 0 873 341	Europe	10 September 2003				
	WO 2004/007476	PCT	22 January 2004				
	WO 03/105828	PCT	24 December 2003				
	WO 03/103712	PCT	18 December 2003				
	WO 03/084536	PCT	16 October 2003				
	WO 03/078411	PCT	25 September 2003				
	WO 03/077903	PCT	25 September 2003				
	WO 03/076445	PCT	18 September 2003				
	WO 03/075899	PCT	18 September 2003				
	WO 03/074521	PCT	12 September 2003				
	WO 03/074053	PCT	12 September 2003				
	WO 02/074042	PCT	26 September 2002				
OTHER DOCUMENTS							
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							